

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**Case No. 8:03-CR-77-T-30TBM**

**HATEM NAJI FARIZ**  
\_\_\_\_\_ /

**MOTION FOR LEAVE TO FILE REPLY TO GOVERNMENT’S RESPONSE TO  
MOTION TO PRESERVE TESTIMONY BY WAY  
OF FOREIGN DEPOSITION AND FOR PAYMENT OF EXPENSES**

Defendant, Hatem Naji Fariz, by and through undersigned counsel, hereby respectfully requests leave to file a reply to the government’s response to his Motion to Preserve Testimony by Way of Foreign Depositions and for Payment of Expenses. As grounds in support, Mr. Fariz states:

1. On February 3, 2005, Mr. Fariz his Motion to Preserve Testimony by Way of Foreign Depositions and for Payment of Expenses. (Doc. 874.) Mr. Fariz sought and successfully obtained leave of the Court to file an unredacted version of the motion *ex parte*, and also filed a redacted version with Clerk’s office for the benefit of all parties. (Docs. 869, 870.)
2. On February 4, 2005, co-defendant Sameeh Hammoudeh filed his Motion to Preserve Testimony by Way of Foreign Depositions and for Payment of Expenses in redacted form. (Doc. 878.) On February 7, Mr. Hammoudeh filed his Motion for Permission to Serve and File Redacted Memorandum in

Support of his Motion to Preserve Testimony By Way of Foreign Depositions and For Payment of Expenses. (Doc. 879.)

3. On February 7, 2005, the government filed a motion to reconsider the Court's order granting Mr. Fariz's motion for leave to file a redacted memorandum and in opposition to co-defendant Hammoudeh's motion to file a redacted memorandum. (Doc 882.)
4. On February 9, 2005, the Court heard arguments on the government's motion to reconsider, as well as on the motions to take foreign depositions. The Court granted the motion with respect to 7 of the 8 individuals Mr. Fariz wishes to depose and a number of the 28 individuals Mr. Hammoudeh wishes to depose.
5. During the hearing, the government requested 48 hours within which to submit a memorandum in opposition to the motions to take foreign depositions, which it subsequently filed on February 9, 2005. (Doc. 892.)
6. Mr. Fariz therefore respectfully requests leave of the Court to file a short reply to the government's response.

WHEREFORE, the defendant, Hatem Naji Fariz, would respectfully request leave to file a reply to the government's response to his Motion to Preserve Testimony By Way of Foreign Depositions and For Payment of Expenses.

Respectfully submitted,

R. FLETCHER PEACOCK  
FEDERAL PUBLIC DEFENDER

/s/ Wadie E. Said

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Attorney for Defendant Fariz

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11th day of February, 2005, a true and correct copy of the foregoing has been furnished by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Cherie L. Krigsman, Trial Attorney, U.S. Department of Justice; William Moffitt and Linda Moreno, counsel for Sami Amin Al-Arian; Bruce Howie, counsel for Ghassan Ballut; and to Stephen N. Bernstein, counsel for Sameeh Hammoudeh.

/s/ Wadie E. Said  
Wadie E. Said  
Assistant Federal Public Defender